



Security Council

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Letter dated 29 July 2015 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit a letter dated 9 July 2015 from Smaïl Chergui, Commissioner for Peace and Security of the African Union Commission, on behalf of Nkosazana Dlamini-Zuma, Chairperson of the African Union Commission, transmitting the communiqué of the African Union Peace and Security Council on the arrest of Emmanuel Karenzi Karake in London on 20 June 2015 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(Signed) **BAN** Ki-moon



**Annex to the letter dated 29 July 2015 from the Secretary-General
addressed to the President of the Security Council**

I am writing, on behalf of the Chairperson of the Commission of the African Union, Dr. Nkosazana Dlamini-Zuma, regarding the arrest in London, on 20 June 2015, of Lieutenant General Emmanuel Karenzi Karake, Chief of the National Intelligence and Security Services of the Republic of Rwanda.

This situation is a matter of utmost concern to the African Union, given its serious implications not only for Rwanda, but also for the rest of the African continent. The arrest, which was purportedly executed on the basis of an arrest warrant issued by a Spanish judge, further highlights the challenges brought about by the abuse of the principle of universal jurisdiction. The abuse of the principle by magistrates and judges from non-African countries is a clear violation of the sovereignty and territorial integrity of African States and constitutes an attempt to subordinate African legal systems to those of non-African States. The African Union has repeatedly pronounced itself on this issue and raised it in relevant international forums.

It is against this background that the African Union Peace and Security Council met in Addis Ababa, on 26 June 2015, to deliberate on the situation. In the communiqué adopted on that occasion, the Peace and Security Council, having condemned the arrest, called for the immediate and unconditional release of Lieutenant General Karenzi Karake by the United Kingdom authorities. The Council also reiterated the long-standing position of the African Union on the issue of universal jurisdiction, calling on the larger international community to respect the sovereignty and dignity of the African countries, as required by international law and conventions.

In forwarding the attached communiqué, I would be most grateful if it could be brought to the attention of the relevant United Nations organs.

(Signed) Smaïl Chergui
Commissioner, Peace and Security

Communiqué

The Peace and Security Council of the African Union (AU), at its 519th meeting, held in Addis Ababa on 26 June 2015, adopted the following decision in the wake of the arrest in London, United Kingdom (UK), on 20 June 2015, of Lieutenant-General Emmanuel Karenzi Karake, Chief of the National Intelligence and Security Services of the Republic of Rwanda, who was on an official visit in the UK:

Council,

1. **Takes note** of the introductory remarks made by the Commissioner for Peace and Security, Ambassador Smaïl Chergui, and the briefing made by Mrs. Louise Mushikiwabo, Minister of Foreign Affairs and Cooperation of the Republic of Rwanda. Council **also takes note** of the statements made by Dr. Tedros Adhanom Ghebreyesus, Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia, Mr. Okello Oryem, Minister of State for International Affairs of the Republic of Uganda, and Professor Githu Muigai, Attorney-General of the Republic of Kenya, as well by the Permanent Representative of the Republic of Zimbabwe, in its capacity as the Chair of the AU;
2. **Recalls** communiqué PSC/MIN/Comm.1 (CLI) adopted at its 151st meeting, held in New York on 22 September 2008, in particular paragraph 5 of the said communiqué, which reaffirmed decision Assembly/AU/Dec.199 (XI) on the abuse of the principle of universal jurisdiction, adopted by the 11th Ordinary Session of the Assembly of the Union, held in Sharm El Sheikh, Egypt, from 30 June to 1 July 2008, stressed the need for international justice to be conducted in a transparent and fair manner, in line with the principles of international law, and expressed concern that the abuse of the principle of universal jurisdiction poses a threat to the efforts aimed at promoting the rule of law and stability, as well as at building strong national and regional institutions;
3. **Further recalls** paragraph 8 of decision Assembly/AU/Dec.199 (XI) calling on all United Nations (UN) Member States, in particular the European Union (EU) Member States, to impose a moratorium on the execution of arrest warrants until all relevant legal and political issues have been exhaustively discussed between the AU, the EU and the UN;
4. **Expresses its deep concern** about the arrest of Lieutenant-General Emmanuel Karenzi Karake on the basis of an arrest warrant issued by a Spanish Judge, and **considers** it as not only an attack on a Rwandan national, but on Africa as a whole;
5. **Strongly condemns** the blatant violation of the principle of universal jurisdiction by some non-African States against African government officials and its implications for peace and security on the continent, and **stresses** that this abuse threatens to reverse the hard-won security and stability in Rwanda and in Africa as a whole;
6. **Stresses** that the arrest is politically motivated and **underscores** the fact that arrest warrants issued by individual non-African Judges and other non-African national legal systems are a clear violation of the sovereignty and territorial integrity of African States and constitute an attempt to subordinate African legal systems to those of non-African States;

7. **Notes** that Spain's National High Court, on 21 January 2015, overruled Judge Fernando Andreu Merelles of Spain's National Court's (*Audiencia Nacional*) 6 February 2008 indictment of 40 senior Rwandan military officers and nullified all arrest warrants. Council **expresses its dismay** that the UK went ahead with the arrest, despite the decision of Spain's National High Court;

8. **Further notes** that Interpol has not endorsed the Spanish arrest warrants, having issued, in 2008, a certificate to all 40 officers stating that Interpol will not issue Red Notices against them, to avoid breaching its constitutional statutes, which stay away from politically motivated arrest warrants;

9. **Condemns** the arrest as it violates decision Assembly/AU/Dec.199 (XI) and the spirit of the agreement of April 2014 between the EU and Africa during the 4th EU-Africa Summit held in Brussels, Belgium, on political dialogue between the EU and Africa to address the issue of the abuse of the principle of universal jurisdiction once and for all, and **calls for** the immediate and unconditional release of Lieutenant-General Emmanuel Karenzi Karake by the UK authorities;

10. **Expresses concern** at the continued support by certain quarters of the international community to groups that perpetrated genocide and continue to vehicle its toxic ideology, as well as attempts to absolve those who committed genocide in Rwanda and, in this respect, **stresses** that extremist groups should in no way be sanitized;

11. **Calls upon** the international community to respect the sovereignty and dignity of the African Member States, as required by international law and conventions;

12. **Requests** the Chairperson of the Commission to formally convey this decision to the UK and Spanish authorities, as well as to all the UN and EU Member States, and to further engage them towards the speedy resolution of this matter;

13. **Recommends** to the Assembly of the Union to review the implementation of its decisions on the issue of the principle of universal jurisdiction, with a view to providing further guidance to Member States, the Commission and other AU organs;

14. **Further requests** the Chairperson of the Commission to provide regular updates on the evolution of the situation;

15. **Decides** to remain actively seized of the matter.